IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 381 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKTABEN W/O VINUBHAI HANSRAJ

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 381 of 2003

MS KRISHNA U MISHRA for Petitioner No. 1

MR RM PARMAR APP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 05/05/2003

ORAL JUDGEMENT

1. Rule. Mr. R.M. Parmar appears and waives

service of notice of Rule on behalf of the respondents. Heard learned counsel for the parties.

2. This petition is preferred for releasing the petitioner on furlough leave.

2. This application was moved by the petitioner before the I.G. Prison on 27-5-2002 and the same has been rejected on the ground that the person whose name was given, was not ready to give surety in favour of the petitioner.

3. In the facts and circumstances of the case and the submissions made by the learned A.P.P. as well as the material on record, this petition deserves to be allowed. Accordingly, this petition is allowed and the petitioner is ordered to be released on furlough leave for a period of two weeks days from the date of actual release, on usual terms and conditions. The petitioner is directed to give name of a person for giving surety in favour of the petitioner and said person shall give surety in favour of the petitioner. Rule is made absolute. D.S. is permitted.

(Kundan Singh, J.)

/JVSatwara/